
From: Ken Lederman <ken.lederman@foster.com>
Sent: Monday, April 20, 2020 2:24 PM
To: Leefers, Kristin
Cc: Ken Lederman
Subject: RE: EPA re Former Kaiser Smelter cleanup options

Thanks Kristen. Your comments about the sewer line being more of a private issue are correct from a legal perspective, but I hope you understand why the issue is so important for Spokane Recycling. Unless you have concerns, I will reach out to counsel for Kaiser to introduce myself and to begin discussions about the sewer issue.

I am free in the afternoon on both the 27th and 28th. If the Kaiser attorney is available in those slots, then a call or Zoom chat would be a great start.

Stay safe and be well.

Ken Lederman
Principal

Foster Garvey PC
Direct: 206.447.6267
Cell: 206.595.0680
ken.lederman@foster.com

From: Leefers, Kristin [mailto:Leefers.Kristin@epa.gov]
Sent: Monday, April 20, 2020 1:57 PM
To: Ken Lederman
Subject: RE: EPA re Former Kaiser Smelter cleanup options

Hi Ken-

Thank you for your prompt response. This is sufficient for EPA to proceed with digging in to the technical details and for me to proceed with drafting the AOC. The sewer line matter may go beyond the scope of CERCLA, so it may be better suited to conversations between Spokane Recycling and Kaiser Aluminum Investments Corp. I think it would be helpful if the attorneys for both parties and for EPA could all meet to generally discuss the proposal, and any outlying matters. My schedule this week is unfortunately already quite packed, but perhaps we could schedule something for early next week. Are there any particularly good or bad times for you on April 27 or 28?

Sincerely,
Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155

M/S: 11-C07
Seattle, Washington 98101
206-553-1532
leefers.kristin@epa.gov

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From: Ken Lederman <ken.lederman@foster.com>
Sent: Sunday, April 19, 2020 11:38 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Ken Lederman <ken.lederman@foster.com>
Subject: FW: EPA re Former Kaiser Smelter cleanup options

Kris – thank you again for your time on our call on Friday. I very much look forward to working with you.

I have confirmed with Spokane Recycling LLC that we would like to move forward with negotiations about a settlement along the lines of what you propose below in your April 14, 2020 email. There are a variety of additional details that we will need to include in the discussions and negotiations, including the need for Spokane Recycling to negotiate and effectuate a connection to the separate Kaiser sewer line as a replacement for the termination of the stormwater easement. But those details should be discussed during the course of active negotiations to finalize an agreement.

Per our discussion, I believe this email should be sufficient for EPA to confirm and move forward with a 1st draft of an AOC. If the email is not sufficient or you need additional information, please let me know.

Stay safe and be well, and we look forward to connecting with you again soon.

Ken Lederman
Principal

Foster Garvey PC
Direct: 206.447.6267
Cell: 206.595.0680
ken.lederman@foster.com

From: Ken Lederman
Sent: Thursday, April 16, 2020 8:27 AM
To: 'leefers.kristin@epa.gov'
Cc: Ken Lederman
Subject: FW: EPA re Former Kaiser Smelter cleanup options

Ms. Leefers – good morning. I hope that you and your family are safe and secure in these difficult times.

I am in the process of formalizing my retention as counsel for Spokane Recycling LLC regarding the matters discussed in the attached email. I would like to set up a time to connect with you to discuss the proposal and the path forward towards

effectuating a settlement. Are you available for a call today at 4:00 pm or tomorrow at 3:00 pm?

My contact info is attached, I look forward to working with you. Cheers.

Ken Lederman

Principal

Foster Garvey PC

Direct: 206.447.6267

Cell: 206.595.0680

ken.lederman@foster.com

From: Leefers, Kristin <Leefers.Kristin@epa.gov>

Sent: April 14, 2020 3:50 PM

To: Paramjit Hothi (b) (6)

Subject: RE: EPA re Former Kaiser Smelter cleanup options

Good Afternoon Mr. Hothi,

If you have an attorney now, please give them my contact information as soon as possible so we can proceed with these settlement discussions.

In short, here is the settlement offer from EPA:

- \$0 payment from Spokane Recycling for cleanup
- waiver of liability for Spokane Recycling for costs associated with the current cleanup proposal
- Spokane Recycling will provide access to the property to EPA, the state, and Kaiser Aluminum Investments Company to conduct cleanup work
- Spokane Recycling will revoke the stormwater conveyance easement from the Kaiser Aluminum Investments Company property
- Spokane Recycling will apply for groundwater discharge permits as needed
- Spokane Recycling will maintain the groundwater infiltration system going forward

The current cleanup proposal consists of EPA removing source materials from the Spokane Recycling property, including galbestos (PCB/asbestos) siding on buildings, TSI pipe wrap containing asbestos, and high priority waste piles. In addition, Kaiser Aluminum Investments Company would clean up sediment ponds on its property and construct the new groundwater infiltration system on Spokane Recycling's property.

As you know, there are many moving parts to this proposed cleanup, and many parties involved. EPA needs to continue to make progress towards planning and reaching a settlement so that cleanup can proceed as soon as possible this summer. Please provide a response by the end of the week, and contact information for your attorney as soon as you have one.

This email should be considered confidential and should not be shared with parties who are not participating in these settlement negotiations. Nothing in this email is binding on EPA, Kaiser Aluminum Investments Company, or Spokane Recycling. This is a proposal for a cleanup settlement and creates no legal rights or responsibilities.

Sincerely,
Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
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From: Paramjit Hothi (b) (6)
Sent: Monday, April 13, 2020 4:24 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Doug Byrd <doug@byrdrealestategroup.com>; Savannah Organ <savannah@byrdrealestategroup.com>
Subject: EPA re Former Kaiser Smelter cleanup options

Hi Kristin,

I am writing as a follow up from our conference call on April 7 in which you had asked me to respond back if we were in agreement with what was discussed.

We need to address some issues with an attorney and as you know this has been a big obstacle in this process. We are in talks with a potential attorney and hopefully can retain one by the end of this week. I was wondering if you could send me your verbal settlement in written form so that I can relay this to our attorney and get things moving.

Thanks,
Parm

From: Leefers, Kristin <Leefers.Kristin@epa.gov>
Sent: April 2, 2020 3:34 PM
To: Paramjit Hothi (b) (6)
Subject: RE: meet with EPA re Former Kaiser Smelter cleanup options

Thank you. I will send a meeting invitation to you shortly with the conference call information.

Sincerely,
Kris

Kris Leefers
206-553-1532

From: Paramjit Hothi (b) (6)
Sent: Thursday, April 02, 2020 2:41 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: meet with EPA re Former Kaiser Smelter cleanup options

Hi Kristin,

April 7 at 2pm works for us.

Thanks,
Davinder

From: Leefers, Kristin <Leefers.Kristin@epa.gov>
Sent: April 2, 2020 9:26 AM
To: Diamond (b) (6)
Subject: RE: meet with EPA re Former Kaiser Smelter cleanup options

Can you please resend your message Mr. Hothi? Nothing came through to my email.

Thanks,
Kris

Kris Leefers
206-553-1532

From: Diamond <(b) (6)>
Sent: Wednesday, April 01, 2020 10:38 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: meet with EPA re Former Kaiser Smelter cleanup options

Sent from my iPhone

On Mar 31, 2020, at 2:56 PM, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Good Afternoon Mr. Hothi-

I hope this email finds you and your family in good health during these trying times. I'm writing today to propose a conference call with EPA (myself, Brooks Stanfield, and Jeff Fowlow), to discuss a settlement offer with Spokane Recycling and the two cleanup options we are currently considering. The three of us are available at the following times: Thursday, April 2, 1-3pm; Monday, April 6, 10am-12pm; Tuesday, April 7, 1:30-3:30pm.

I know you and Mrs. Hothi had stated a preference to meet in person, however that will obviously not be possible in the current situation. I'm hopeful we can proceed with conference calls for now. Please let me know which of those times you prefer, and I will send you the conference call information. If none of those times work for you, please propose an alternative time and date.

Sincerely,
Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
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